

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 20, 2002

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Superior Courtroom, located in Pittsboro, North Carolina, at 7:00 PM on May 20, 2002.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 7:08 PM.

AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda.

The County Manager asked that Item #7, consideration of a request to approve hiring a Public Health Nurse II above the hiring range at \$50,000 to fill the crucial position of communicable disease nurse be removed from the Consent Agenda, and that Item #16, consideration of a request by the Town of Siler City for an expansion of their ETJ (extra-territorial jurisdiction) be removed from the Regular Agenda and both items be deferred until a later date.

Commissioner Givens moved, seconded by Commissioner Pollard, to approve the Agenda with the noted request. The motion carried five (5) to zero (0).

CONSENT AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Consent Agenda.

Commissioner Pollard moved, seconded by Commissioner Givens, to approve the Consent Agenda with the noted request. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of a request for approval of Board Minutes for meeting held May 06, 2002 and Work Session held May 06, 2002

The motion carried five (5) to zero (0).

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

3. **Refunds on Tax Bills:** Consideration of a request for approval of refunds on regular tax bills

paid in error, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

4. **Site Plan Approval of Lot #1 of North Chatham Park:** Consideration of a request by Greg Isenhour (ISPAR, LLC) for **site plan approval of Lot #1 of North Chatham Park** consisting of 1.5 acres, off Highway #15-501, Williams Township

As per the Planning Department and Planning Board recommendation, approval of the site plan, including landscape plan and lighting plan was granted with the following condition:

1. The site plan review request not be forwarded to the Board of County Commissioners until the Chatham County Appearance Commission has had an opportunity to review the plan and make a recommendation.

The motion carried five (5) to zero (0).

5. **Final Approval of "Hamlet Grove, Phase Three":** Consideration of a request by John W. Coffey, for Musigny, Inc. for subdivision final approval of **"Hamlet Grove, Phase Three"**, consisting of seven (7) subdivision lots and one (1) non-building lot on approximately 14 acres off SR #1525 (Hamlet Chapel Road) in Baldwin Township

As per the Planning Department and Planning Board recommendation, final approval of Hamlet Grove, Phase Three was granted as submitted.

The motion carried five (5) to zero (0).

6. **Private Roads:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- A. **Goldberry Lane**
B. **Godfrey Drive**

The motion carried five (5) to zero (0).

- ~~7. **Public Health Nurse II:** Consideration of a request to approve hiring a Public Health Nurse II above the hiring range at \$50,000 to fill the crucial position of communicable disease nurse~~

-

This item was removed from the Consent Agenda and deferred until a later date.

-

8. **Chatham County Board of Health Reappointments:** Consideration of a request to reappoint four Chatham County Board of Health members to three public seats (Rachel Stevens, Tommy Glosson, Danny Wimberly) and one professional engineer seat (Russell Underwood), effective July 01, 2002

-

The motion carried five (5) to zero (0).

-

9. **Decrease in Allocated Smart Start Funds:** Consideration of a request to approve a decrease in the amount of \$9,306 in Smart Start funds allocated to the Health Department

-

The motion carried five (5) to zero (0).

10. **Funds Acceptance for Health Department's Preceptor Program:** Consideration of a request to accept additional revenue in the amount of \$912 for the Health Department's Preceptor Program

The motion carried five (5) to zero (0).

11. **Resolution to Exempt the USDA Water District Evaluation Study Project from the Provisions of GS 143-64.31:** Consideration of a request to approve **Resolution #2002-20 to Exempt the USDA Water District Evaluation Study Project from the Provisions of GS 143-64.31**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

12. **Resolution Honoring Nursing Home and Adult Care Home Community Advisory Committee Members:** Consideration of a request to approve **Resolution #2002-21 Honoring Nursing Home and Adult Care Home Community Advisory Committee Members**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

13. **Resolution for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Village Park Drive, Benbury, Britt, Fountain, Ward and Bost:** Consideration of a request for approval of **Resolution #2002-22 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Village Park Drive, Benbury, Britt, Fountain, Ward and Bost in the Governors Village Subdivision**, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

PUBLIC INPUT SESSION

Linda Jacobs, 290 East Street, Suite 101, Pittsboro, NC, stated that she hoped all projects that come before the Board are evaluated, keeping the economy and the tax base in mind.

FY 2002-2003 RECOMMENDED BUDGET

Public Hearing:

FY 2002-2003 Recommended Budget: Public hearing to receive public comments on the Manager's Recommended Budget for FY 2002-2003

County Manager, Charlie Horne presented and reviewed the FY 2002-2003 Manager's Recommended Budget.

Gerald R. Smith, Highway #87N, Pittsboro, NC, stated that he was having a hard time with taxation living on a fixed income. He asked why, with neighboring counties and the entire state in trouble, did there have to be an increase in any thing in the budget.

PLANNING AND ZONING

Public Hearing:

Office and Institutional Conditional Use District with a Conditional Use Permit Request: Public hearing to receive public comments on a request by Fred D. Webb, on behalf of Mount Olive Baptist Church, for an Office and Institutional Conditional Use District with a Conditional Use Permit for churches and other places of worship, on approximately one (1) acre, off SR #1011, in Haw River Township

The Chairman administered the oath to those in attendance who wished to make public comments.

Fred D. Webb, Jr., 341 Carthage Street, Sanford, NC, attorney for Mount Olive Baptist Church, requested rezoning. He stated that the church has been at this location for 131 years; that the request is for a new sanctuary; that the adjoining property/commercial owners offer no objection; and that it meets all the required criteria for the permit.

George Headen, PO Box 876, Sanford, NC, stated that this was a needed thing for this church to help outreach to young people and senior citizens. As pastor of the church, he urged approval of the request on behalf of the church stating that they were trying to realize their vision.

PLANNING AND ZONING

~~**Request for Expansion of Siler City Extra-territorial Jurisdiction:** Consideration of a request by the Town of Siler City for an expansion of their ETJ (extra territorial jurisdiction)~~

This item was removed from the Agenda and deferred until a later date.

Letter from Mr. Don White:

Chairman Phillips stated that he was in receipt of a letter from Mr. Don White and read it aloud for those in attendance.

By consensus, the Board agreed to consider all four of the following issues altogether.

Proposed Revision to Chatham County Watershed Protection Ordinance Section 302.E: Consideration of a proposed revision to the Chatham County Watershed Protection Ordinance section 302.E (2) to allow two dwelling units per acre, instead of one, and lots a minimum of 20,000 square feet in size, instead of 40,000 square feet. The change would be applicable in an area bounded by Mann's Chapel Road, Hamlets Chapel Road, and a line measured 0.5 mile east of the US #15-501 right-of-way

Proposed Additions to the Chatham County Zoning Ordinance to Create Two New Zoning Districts: Consideration of proposed additions to the Chatham County Zoning Ordinance to create two new zoning districts; an RA-20 District and a CU-RA-20 district. The text is similar to the existing RA-40 and CU-RA-40 district. The minimum lot size is 20,000 square feet instead of 40,000 square feet.

Proposed Revisions to the Chatham County Zoning Ordinance Section 15.5: Consideration of a request for proposed revisions to the Chatham County Zoning Ordinance Section 15.5 concerning Planned Residential Development adding an RA-20 district and revising other language

Proposed Revisions to the Chatham County Subdivision Regulations Section 6.4(C):

Consideration of a request for proposed revisions to the Chatham County Subdivision Regulations Section 6.4(C) to allow lots a minimum of 20,000 square feet as provided in proposed revisions to the Zoning Ordinance

Request by Newland Communities for a Zoning District Change: Consideration of a request by **Newland Communities** for a zoning district change to CU-RA-20 with a Conditional Use Permit for a planned residential development, on approximately 1,490 acres. The request consists of 2,500 dwelling units, 637,000 square feet of commercial and office space, a 26-acre school site and approximately 700 acres of open space. The property is located south of Manns Chapel Road [SR #1532] and mainly north of Andrews Store Road [SR #1528] and mainly west of US #15-501.

Commissioner Givens moved to deny request #17. Proposed Revision to Chatham County Watershed Protection Ordinance Section 302.E; #18. Proposed Additions to the Chatham County Zoning Ordinance to Create Two New Zoning Districts; #19. Proposed Revisions to the Chatham County Zoning Ordinance Section 15.5; #20. Proposed Revisions to the Chatham County Subdivision Regulations Section 6.4(C); #21. Request by Newland Communities for a Zoning District Change.

Chairman Phillips amended the motion to include the following findings could not be made and seconded the motion:

- #2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
- #3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
- #4. The requested permit will be consistent with the objectives of the Land Development Plan.
- #5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

The motion carried five (5) to zero (0).

Moratorium on Development:

Chairman Phillips moved to propose a six-month moratorium on major subdivision proposals in northern Chatham County stating that it would be a time for the Board of Commissioners to create a Compact Communities Ordinance; that the information gathered in this process must be used to make intelligent decisions about how the Board wants to proceed in these matters so that people who come before the Board will know what is acceptable and what the Board will support; that the process begin with a course of action already started between the Strategic Plan Steering Team and the Planning Board with Commissioner input; that its first charge be the development of a Compact Communities Ordinance and that its attendant charges be those portions of the Land Use Plan which are design guidelines for commercial entities on major roads, commercial nodes, and buffering of communities from each other, from highways, and from significant water resources; and that a public hearing be set for the June 17, 2002 Board of Commissioners' meeting.

Commissioner Atwater amended the motion that the six-months be a target date due to the fact that he does not want the Board to be in any haste.

Commissioner Atwater asked that the County Manager, as he develops the mechanism by which to bring this together, prepare performance guidelines for those groups; and that time-lines and benchmarks be reported back to the Board to make sure that they are on task at the various time lines.

Commissioner Givens clarified that this would apply only to new subdivisions approved after the decision is made by the Board.

Commissioner Atwater seconded the motion.

The motion carried five (5) to zero (0).

Planning Board Appointment:

Chairman Phillips moved, seconded by Commissioner Atwater, to appoint Larry Hicks to the Chatham County Planning Board, as a full Board appointment, as a bridge between the Planning Board and the Strategic Planning Steering Committee in order to manage the process and help facilitate it. The motion carried five (5) to zero (0).

Commissioner Atwater stated to Mr. White that there was an element in his mind and heart that he regretted very much that the Board was not ready to be able to address this issue.

Commissioner Givens left the meeting at 7:45 PM.

RECESS

Chairman called for a five-minute recess.

Commissioner Givens reentered the meeting.

PUBLIC WORKS

- **Small Diameter Waterline Extension Policy:** Consideration of a request to approve Standard Procedure #2, Small Diameter Waterline Extension Policy

Commissioner Givens moved, seconded by Commissioner Pollard, to approve Standard Procedure #2, "Small Diameter Waterline Extensions", attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

FINANCE OFFICE

- **Budget Amendments:** Consideration of a request to approve Fiscal Year 2001-2002 Budget Amendments

Commissioner Atwater moved, seconded by Commissioner Givens, to approve the budget amendments as proposed by the staff, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Human Relations Commission Appointments: Consideration of a request to appoint members to

the Chatham County Human Relations Commission by Commissioner Givens

This item was deferred until the June 3, 2002 Board of Commissioners' meeting.

Adult Home Care Advisory Board Appointments: Consideration of a request to appoint three members to the Adult Home Care Advisory Board by the entire Board

This item was deferred until the June 3, 2002 Board of Commissioners' meeting.

Orange Person Chatham Area Board (OPC) Appointments: Consideration of a request to appoint three members to the Orange Person Chatham Area Board

Commissioner Pollard moved, seconded by Commissioner Atwater, to appoint Joyce Kachergis, 615 Stone Wall Road, Pittsboro, NC, to the Orange Person Chatham Area Board. The motion carried five (5) to zero (0).

Agriculture Advisory Committee Appointments: Consideration of a request to appoint two members to the Agriculture Advisory Committee by Commissioners Phillips and Outz

This item was deferred until the June 3, 2002 Board of Commissioners' meeting.

MANAGER' S REPORTS

The County Manager informed the Board of the following:

Joint Meeting with the Board of Education:

There will be a joint meeting with the Chatham County Board of Education on Thursday, May 30, 2002, 7:00 PM, in the Chatham County School Administrative Offices to discuss their budget.

COMMISSIONERS' REPORTS

Transportation of Nuclear Waste:

Commissioner Givens stated that he had sent a letter to Senator John Edwards, Congressman David Price, and Nuclear Regulatory Commission Chairman Richard Meserve, with regard to the transportation of nuclear weapons of mass destruction. He stated that as he continued to see warnings about a future terrorist threat and with his background in transporting nuclear material, he felt the need to go on record in support of restoring a "no-fly" zone within a ten-mile radius of nuclear plants, federalizing the security force, and conducting a more extensive background check of all nuclear plant employees.

Expansion of Siler City Extra Territorial Jurisdiction:

Commissioner Atwater stated that in speaking with some of the Planning Board members about the ETJ, they indicated that they would like to see more justification for this particular action from the Town of Siler City; that he feels that, as a matter of economic viability of any municipality, they must have the opportunity for ETJ; that it is a serious matter; and that he would like for staff to secure the information for the Board when it comes around again.

OWASA:

Commissioner Atwater stated that OWASA is pleased to have a defined area of service; that having this defined area, they have a level of comfort as to whether they have enough, are doing enough, expanding enough, upgrading enough, etc.; that since some of their watershed on the water side comes into Chatham County, and also owing to the fact that all watershed empties into Jordan Lake, why could the Board not begin some discussions with them about the possibility of extension of sewer services into the northern part as being a mutual advantage. He stated that he did not know what the probability of success would be, but that he feels that it is something that should be formalized. He asked that the Chairman and the County Manager look into this matter.

Economic Development Board:

Commissioner Pollard stated that an issue that has been raised twice is the sizing of the water line going east on Highway #64; that she is satisfied that staff knows what they are doing in terms of sizing, however, after the issue was raised a second time, she felt that perhaps it needs to be addressed in a more formal way; that she would like to know the appropriate size of the line going to the development; that she believes staff is saying that eight inches is adequate and there was considerable disagreement with that size from some members of Economic Development Board; that they felt that it was too small for future development because of availability of land for industrial/commercial development at Highway #751; that they would like for the water board/staff to seriously consider and the availability of land for development.

Wildlife:

Commissioner Outz asked about the deer population and inquired about a possible extension to the hunting season. He asked that a Wildlife Officer be invited to a meeting to discuss this issue.

Board Appreciation:

Chairman Phillips stated that he was proud of the Board and their efforts; that there were a lot of hard decisions to make; that it took a lot of thinking; that he feels the right decision was made; and that he was proud of the board and very thankful for it.

ADJOURNMENT

Commissioner Givens moved, seconded by Commissioner Atwater, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 8:29 PM.

Gary Phillips, Chairman

ATTEST:

Sandra B. Sublett, Clerk to the Board

Chatham County Board of Commissioners